

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

MELINDA BACA,

Plaintiff,

v.

No. 1:22-cv-0178 DHU/DLM

FRANK BISIGNANO,¹
Commissioner of the Social
Security Administration,

Defendant.

**ORDER ADOPTING MAGISTRATE JUDGE’S PROPOSED FINDINGS AND
RECOMMENDED DISPOSITION**

THIS MATTER is before the Court on Magistrate Judge Damian L. Martínez’s July 30, 2025, Proposed Findings and Recommended Disposition (“PFRD”). (Doc. 43.) In that PFRD, Judge Martínez recommends that the Court grants in part Plaintiff Melinda Baca’s Motion for Attorney Fees. Judge Martínez finds that the requested attorney fees should “be reduced to ensure that the award is more analogous to other attorney fee awards given in this district.” (*Id.* at 4.) Accordingly, Judge Martínez recommends reducing the award from the requested \$18,000.00 to \$13,132.00.

Judge Martínez notified the parties that they had 14 days from service of the PFRD to file any objections to the PFRD and that failure to do so would waive appellate review. (*Id.* at 8.) The parties have not filed any objections to the PFRD, thereby waiving their right to review of the proposed disposition. *See United States v. One Parcel of Real Prop.*, 73 F.3d 1057, 1060 (10th

¹ Frank Bisignano was confirmed as Commissioner of the Social Security Administration on May 6, 2025. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Bisignano is substituted as the defendant in this suit. No further action need be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

Cir. 1996). Furthermore, upon review of the PFRD, the Court concurs with Judge Martínez's findings and recommendation.

IT IS THEREFORE ORDERED that the Magistrate Judge's Proposed Findings and Recommended Disposition (Doc. 43) is adopted.

IT IS FURTHER ORDERED that individual Plaintiff Melinda Baca's Motion for Attorney Fees (Doc. 39) is **GRANTED IN PART** and the Court will authorize \$13,132.00 in attorney fees for legal services rendered in this Court, to be paid by the Social Security Administration out of Baca's past-due benefits in accordance with agency policy.

IT IS FURTHER ORDERED that Plaintiff Baca's counsel shall refund to Baca the EAJA fee of \$4,606.00 previously awarded by this Court in accordance with *Gisbrecht*, 535 U.S. at 796.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read 'David Herrera Urias', is written over a horizontal line.

DAVID HERRERA URIAS
United States District Judge